

ARIZONA PROGRAMMATIC CATEGORICAL EXCLUSION APPROVAL

The Arizona Department of Transportation (ADOT) and the Federal Highway Administration (FHWA) concur in advance with the classification of Categorical Exclusion (CE), for those actions identified in 23 CFR 771.117, as projects that have no significant environmental impacts. ADOT certifies that all of the conditions indicated in this blanket classification will be satisfied for any action processed under this programmatic classification and approval process. Although this programmatic approval process satisfies the NEPA requirements, it in no way eliminates the requirement to comply with other Federal laws and regulations (e.g. the Clean Air Act, the Clean Water Act, the National Historic Preservation Act, the Endangered Species Act etc.).

Actions identified in 23 CFR 771.117(c) (Group 1) that meet the criteria of 23 CFR 771.117(a) and (b), do not require further approvals by FHWA. A copy of the ADOT Clearance Memo will be sent to FHWA.

Actions which qualify under 23 CFR 771.117(d) (Group 2) that meet the criteria of 23 CFR 771.117(a) and (b), may be designated as CEs upon the submission (to FHWA) of documentation which demonstrates that the specific conditions or criteria for those CEs are satisfied and that significant impacts will not result. A copy of the ADOT Clearance memo and appropriate documentation will be sent to FHWA.

The following conditions will apply to those actions which qualify under 23 CFR 771.117(d) (Group 2) that are processed by ADOT under this programmatic approval. **If one or more of the following conditions apply, then separate environmental documentation will be submitted individually to FHWA for approval:**

1. The action has any significant environmental impacts as described in 23 CFR 771.117(a).
2. The action involves unusual circumstances as described in 23 CFR 771.117(b).
3. The action involves one or more of the following:
 - a. The acquisition of more than minor amounts of right-of-way or require any commercial or residential displacements.
 - b. Any "use" of properties protected by Section 4(f) of the Department of Transportation Act (23 CFR 774). This includes Transportation Enhancement projects that utilize the "Negative Declaration Section 4(f)".
 - c. Any US Coast Guard construction permits.
 - d. Any US Army Corps of Engineers Individual or Nationwide Number 23 Section 404 Permit.

- e. Any work in wetlands.
- f. Any projects that occur on Tribal lands.
- g. Any projects that require new right-of-way on Federal lands.
- h. Construction in, across, or adjacent to a river designated as a component of, or proposed for inclusion in the National System of Wild and Scenic Rivers published by the US Department of the Interior or US Department of Agriculture.
- i. Any change in access control on the Interstate Highway System.
- j. Any known hazardous materials sites or previous land uses with potential for hazardous materials remaining within the right-of-way.
- k. The use of a temporary road, detour, or ramp closure unless the use of such facilities satisfy the following conditions:
 - (1) Provisions are made for access by local traffic and are so posted.
 - (2) Through-traffic dependent businesses will not be adversely affected.
 - (3) The detour or ramp closure, to the extent possible, will not interfere with any local special event or closure.
 - (4) The temporary road, detour, or ramp closure does not substantially change the environmental consequences for the action.
- l. Any determination of "adverse effect" in the context of the National Historic Preservation Act (36 CFR 800).
- m. Any project requiring a Memorandum of Agreement or Programmatic Agreement in the context of the National Historic Preservation Act (36 CFR 800).
- n. Any project that requires a Level 3 Mobile Source Air Toxic analysis.
- o. Any project that results in a "may effect" determination, in the context of the Endangered Species Act.

4. The action does not conform with the Air Quality Implementation Plan which is approved or promulgated by the Environmental Protection Agency in air quality non-attainment areas.

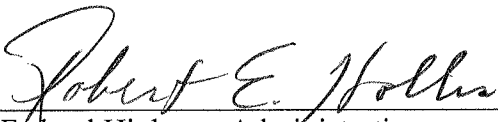
All determinations made by ADOT under this blanket classification will be documented and dated. The ADOT determination date will be included in all letters requesting federal-aid funding authorization for right-of-way, final design, or project construction. In the cases of disposal of excess right-of-way, joint use, or change of access control, the determination date will be included in the approval request letter.

Additional actions not identified in 23 CFR 771.117(c) and (d), but meeting the criteria of 23 CFR 771.117(a) and (b), may be designated as CEs upon the submission of individual documentation to FHWA for approval.



Arizona Department of Transportation

6-23-08
Date



Federal Highway Administration

6/26/08
Date